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for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

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In re:

BERNARD L. MADOFF,

Debtor.

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IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HSBC BANK PLC, HSBC BANK BERMUDA  
LIMITED, HSBC FUND SERVICES  
(LUXEMBOURG) S.A., HSBC HOLDINGS PLC,  
HSBC INSTITUTIONAL TRUST SERVICES  
(BERMUDA) LIMITED, HSBC PRIVATE BANK  
(SUISSE) S.A., HSBC SECURITIES SERVICES  
(BERMUDA) LIMITED, HSBC SECURITIES  
SERVICES (IRELAND) LTD., HSBC  
SECURITIES SERVICES (LUXEMBOURG)  
S.A., HSBC BANK USA, N.A., HSBC PRIVATE

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

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Adv. Pro. No. 09-01364 (SMB)

**TRUSTEE'S SUPPLEMENTAL  
DESIGNATION OF ITEMS TO BE  
INCLUDED IN THE RECORD ON  
APPEAL**

BANKING HOLDINGS (SUISSE) S.A., HSBC BANK (CAYMAN) LIMITED, THEMA FUND LTD., HERMES INTERNATIONAL FUND LIMITED, LAGOON INVESTMENT TRUST, GEO CURRENCIES LTD. S.A., HERMES ASSET MANAGEMENT LIMITED, THEMA ASSET MANAGEMENT LIMITED (BVI), EQUUS ASSET MANAGEMENT LTD., THEMA ASSET MANAGEMENT (BERMUDA) LTD., BANK AUSTRIA WORLDWIDE FUND MANAGEMENT LIMITED, 20:20 MEDICI AG, ERWIN KOHN, EUROVALEUR, INC., SONJA KOHN, HERALD ASSET MANAGEMENT LIMITED, INTER ASSET MANAGEMENT, INC., ALPHA PRIME ASSET MANAGEMENT LTD., TERO TRUST COMPANY LIMITED, ALPHA PRIME FUND LIMITED, CARRUBA ASSET MANAGEMENT LIMITED, REGULUS ASSET MANAGEMENT LIMITED, and URSULA RADEL-LESZCZYNKI,

Defendants.

Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated estate of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, individually, hereby submits, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, this supplemental designation of items to be included in the record on appeal with respect to the Trustee’s appeal in the above-captioned adversary proceeding (the “Adversary Proceeding”) of the Stipulated Final Order Granting Motion to Dismiss Complaint (the “Final Judgment”) before the United States Court of Appeals for the Second Circuit.<sup>1</sup> This supplemental designation is an addendum to the Trustee’s

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<sup>1</sup> The Trustee and the defendants in this Adversary Proceeding have agreed pursuant to 28 U.S.C. § 158(d)(2)(A)(iii) to certify this appeal to the United States Court of Appeals for the Second Circuit. If, however, the United States

Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal, filed in this Adversary Proceeding on March 28, 2017 (ECF No. 450).

**I. Designation of Items to be Included in the Record on Appeal**

The Trustee further designates for inclusion in the record on appeal the following items:<sup>2</sup>

**Designation No. 171:** Notice of Agenda for Matters Scheduled for Hearing On March 29, 2017 filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC with hearing to be held on 3/29/2017 at 10:00 AM at Courtroom 723 (SMB). *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re BLMIS)*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y., filed Mar. 28, 2017), ECF No. 15453.

**Designation No. 172:** Transcript for Hearing Held on March 29, 2017, regarding the Trustee's Request for Certification of Judgment for Direct Appeal to the United States Court of Appeals for the Second Circuit Pursuant to 28 U.S.C. 158(d)(2) and Fed. R. Bank. P. 8006(f), filed by David J. Sheehan on behalf of the Trustee in *Picard v. ABN AMRO Bank N.V.*, Adv. Pro. No. 11-02760 (SMB) (Bankr. S.D.N.Y.). *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re BLMIS)*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y.), ECF No. Pending. Annexed hereto as Exhibit 1 is a copy of the order requesting the transcript, as required by Federal Rule of Bankruptcy Procedure 8009(b)(1)(A).

*[Remainder of page intentionally left blank]*

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Court of Appeals for the Second Circuit does not authorize a direct appeal, the Trustee appeals the Final Judgment, in the alternative, to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 158(a)(1).

<sup>2</sup> The Trustee submits this Supplemental Designation of Items to be Included in the Record on Appeal within the time frame required under Federal Rule of Bankruptcy Procedure 8009.

Dated: March 30, 2017  
New York, New York

By: /s/ Catherine E. Woltering  
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